IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.272 OF 2007

State Bank of India ...Applicant

Versus

Erach Rutton Viccajee & Ors. ...Respondents

Shri P.N.Patwardhan for the Applicant.
Ms Ranjana Parikh for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 13, 2007.

P.C.:

1. Heard learned counsel appearing for the Applicant. On instructions of the Applicant he states that the Applicant is not pressing the Revision Application on merits. He, however, pointed out that the Revision Applicant-State Bank of India will require sufficient long time to vacate the suit premises. He states that the revision Applicant will have to make arrangements for shifting the branch to a suitable premises in the same locality. He states that considering all these aspects, time of two years to vacate the suit premises be granted.

2. The said prayer is opposed by the Advocate appearing for the Respondents on the ground that the Respondents are the trustees of a Trust and the suit premises are required for charitable activities.

3. The Applicant has made a statement that revision Application is not being pressed on merits. As a result, the decree for eviction will attain finality. It is a matter of common knowledge that if this revision Application is to remain pending in this Court for final hearing, it is not likely to be heard finally for few years. Moreover, the revision Applicant is the State Bank of India. The revision Applicant will naturally need sufficient time to vacate the suit premises. Therefore, the request made for grant of longer time to vacate will have to be accepted.

4. Hence, I pass the following order:

(i) Revision Application is dismissed as not pressed.

(ii) Notwithstanding rejection of the revision Application, the decree for possession shall not be executed till 30th June, 2009 subject to condition that the Applicant will not create any third party interests and will not part with possession of the suit premises and will keep on paying compensation equivalent to monthly rent to the Respondents.

JUDGE